

MESSAGE NO: 5104112

MESSAGE DATE: 04/14/1995

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-462-106

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 03/30/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE FOR ALLOY
MAGNESIUM FM RUSSIA (A-462-106)

MESSAGE NO: 5104112

DATE: 04 14 1995

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REFERENCE:

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CASES: A - 462 - 106

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PERIOD COVERED: 03 30 1995 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE FOR
ALLOY MAGNESIUM FM RUSSIA (A-462-106)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
ON MARCH 30, 1995, NOTICE OF ITS FINAL DETERMINATION OF SALES AT
LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF
ALLOY MAGNESIUM FROM THE RUSSIAN FEDERATION.

2. THE SCOPE OF THIS INVESTIGATION HAS BEEN MODIFIED SINCE THE
PRELIMINARY DETERMINATION TO CLARIFY THE DISTINCTIONS BETWEEN
PURE AND ALLOY MAGNEISUM. THE AMENDED SCOPE IS AS FOLLOWS:

THE PRODUCT COVERED BY THIS INVESTIGATION IS ALLOY PRIMARY MAGNESIUM REGARDLESS OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION. PRIMARY MAGNESIUM IS A METAL OR ALLOY CONTAINING BY WEIGHT PRIMARILY THE ELEMENT MAGNESIUM AND PRODUCED BY DECOMPOSING RAW MATERIALS INTO MAGNESIUM METAL.

ALLOY MAGNESIUM PRODUCTS ARE PRODUCED BY ADDING ALLOYING ELEMENTS TO PURE MAGNESIUM IN ORDER TO ALTER THE MECHANICAL AND PHYSICAL PROPERTIES OF THE MAGNESIUM TO MAKE IT SUITABLE FOR USE AS A STRUCTURAL MATERIAL. ALLOY MAGNESIUM IS USED PRIMARILY FOR CASTING OR IN WROUGHT FORM. IT IS HARDER AND STRONGER THAN PURE MAGNESIUM AND MAY POSSESS A HIGHER CORROSION RESISTANCE.

THIS INVESTIGATION COVERS ALLOY PRIMARY MAGNESIUM WHICH CONTAINS 50% OR GREATER, BUT LESS THAN 99.8%, PRIMARY MAGNESIUM, BY WEIGHT, AND ONE OR MORE OF THE FOLLOWING: ALUMINUM, MANGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM, AND RARE EARTHS IN AMOUNTS WHICH, INDIVIDUALLY OR IN COMBINATION, CONSTITUTE LESS NOT THAN 1.5% OF THE MATERIAL, BY WEIGHT. PRODUCTS THAT MEET THE AFOREMENTIONED DESCRIPTION, BUT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM, ARE NOT INCLUDED IN THE SCOPE OF THIS INVESTIGATION. IN ADDITION TO PRIMARY MAGNESIUM, ALLOY MAGNESIUM MAY CONTAIN MAGNESIUM SCRAP, SECONDARY MAGNESIUM, OR OXIDIZED MAGNESIUM IN AMOUNTS LESS THAN THE PRIMARY MAGNESIUM ITSELF.

ALLOY PRIMARY MAGNESIUM IS CAST AND SOLD IN VARIOUS PHYSICAL FORMS AND SIZES, INCLUDING INGOTS, SLABS, ROUNDS, BILLETS, AND OTHER SHAPES.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE PURE PRIMARY MAGNESIUM, PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS AND POWDER), AND SECONDARY

MAGNESIUM.

GRANULAR MAGNESIUM, TURNINGS, AND POWDER ARE CURRENTLY CLASSIFIABLE UNDER THE HTSUS SUBHEADING 8104.30.00. MAGNESIUM GRANULES AND TURNINGS (ALSO REFERRED TO AS CHIPS) ARE PRODUCED BY GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND THUS HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM. ALTHOUGH NOT SUSCEPTIBLE TO PRECISE MEASUREMENT BECAUSE OF THEIR IRREGULAR SHAPES, TURNINGS OR CHIPS ARE TYPICALLY PRODUCED IN COARSE SHAPES AND HAVE A MAXIMUM LENGTH OF LESS THAN 1 INCH. ALTHOUGH SOMETIMES PRODUCED IN LARGER SIZES, GRANULES ARE MORE REGULARLY SHAPED THAN TURNINGS OR CHIPS, AND HAVE A TYPICAL SIZE OF 2MM IN DIAMETER OR SMALLER.

POWDERS ARE ALSO PRODUCED FROM GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM, BUT ARE EVEN SMALLER THAN GRANULES OR TURNINGS. POWDERS ARE DEFINED BY THE SECTION NOTES TO SECTION XV, THE SECTION OF THE HTSUS IN WHICH SUBHEADING 8104.30.00 APPEARS, AS PRODUCTS OF WHICH 90% OR MORE, BY WEIGHT, WILL PASS THROUGH A SIEVE HAVING A MESH APERTURE OF 1MM. (SEE HTSUS, SECTION XV, BASE METALS AND ARTICLES OF BASE METALS, NOTE 6(B).) ACCORDINGLY, THE EXCLUSION OF MAGNESIUM TURNINGS, GRANULES, AND POWDER FROM THE SCOPE INCLUDES PRODUCTS HAVING A MAXIMUM PHYSICAL DIMENSION (I.E., LENGTH OR DIAMETER) OF 1 INCH OR LESS.

THE PRODUCT SUBJECT TO THIS INVESTIGATION IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8104.19.00 AND 8104.20.00 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES, THIS INVESTIGATION HAS BEEN ASSIGNED DOC CASE NUMBER: (A-821-806). FOR CUSTOMS PURPOSES ONLY, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING ID NUMBER: (A-462-106).

4. THE DEPARTMENT OF COMMERCE INVESTIGATED ONE PRODUCER OF ALLOY MAGNESIUM, SOLIKAMSK MAGNESIUM WORKS (SMW), WHICH IS BOTH A PRODUCER AND EXPORTER OF THE SUBJECT MERCHANDISE.

IF EXPORTERS GERALD METALS (A-462-106-001) OR SMW (A-462-106-003) SELL ALLOY MAGNESIUM SOURCED FROM SMW, THE DEPOSIT RATE IS 0% AND NO CRITICAL CIRCUMSTANCES EXIST.

IF ANY EXPORTERS (INCLUDING GERALD METALS AND SMW) SELL ALLOY MAGNESIUM SOURCED FROM A PRODUCER OTHER THAN SMW, THE APPLICABLE DEPOSIT RATE IS THE "RUSSIA WIDE" RATE (A-462-106-000) OF 153.65% AND CRITICAL CIRCUMSTANCES DO EXIST.

THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF ALLOY MAGNESIUM FROM THE RUSSIAN FEDERATION THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR AFTER AUGUST 09, 1994. EFFECTIVE MARCH 30, 1995, CUSTOMS SHALL REQUIRE POSTING OF A CASH DEPOSIT OR BOND FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULES:

FOR ALLOY MAGNESIUM PRODUCED BY SOLIKAMSK MAGNESIUM WORKS (SMW):

MANUFACTURER /EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
ALL THIRD COUNTRY/EXPORTERS		
RESELLERS	A-462-106-001	153.65%
GERALD METALS	A-462-106-002	0.00%
SMW	A-462-106-003	0.00%
W&O BERGMANN GMBH	A-462-106-004	153.65%
DEREK RAPHAEL & CO	A-462-106-005	153.65%
MARCO TRADING	A-462-106-006	153.65%

WOGEN GROUP LTD.	A-462-106-007	153.65%
ALEX	A-462-106-008	153.65%
MAGES	A-462-106-009	153.65%
RUSSIA-WIDE	A-462-106-000	153.65%

5. ANY QUESTIONS BY CUSTOMS OFFICERS SHOULD BE DIRECTED VIA EMAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, TECHNICAL PROGRAMS, AD/CVD USING ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT ERIK WARGA OR ELLEN GREBASCH, OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, TELEPHONE (202) 482-0922 AND (202) 482-3773, RESPECTIVELY.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party